

Transmittal Letter to the United States  
Designated/Elected Office (DO/EO/US)

IAP15 Rec'd PCT/PTO 10 AUG 2006 Page 1

FORM PTO-1390

Docket No. : HKH-34PCT  
U.S. Application No. :  
International Application No. : PCT/DE04/02678  
International Filing Date : December 7, 2004  
Priority Date Claimed : February 10, 2004  
Title of Invention : RESPIRATORY DEVICE AND METHOD FOR CONTROLLING A  
RESPIRATORY DEVICE  
Applicant(s) for (DO/EO/US) : Wolfgang Wedler, Björn Tiemann and Christof Göbel

10/588979

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures 35 U.S.C. 371 (f) at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the cover sheet of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a) ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ☐ has been transmitted by the international Bureau.
  - c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English [35 U.S.C. 371(c)(2)].
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
  - a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ☐ have been transmitted by the International Bureau.
  - c) ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d) ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. UNSIGNED
10. ☐ A translation of the International Preliminary Examination Report.

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 198.
12. ☐ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ (other items or information) 5 sheets of drawings, PTO-1449 w/ 11 references and International Search Report

EXPRESS MAIL No.: EV 635 867 557 US Deposited: August 10, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Friedrich Kueffner*

Friedrich Kueffner

August 10, 2006  
Date

17. X The following fees are submitted:

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ATIONS ONLO

**BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:**

- X Search Report has been prepared by the EPO or JPO..... \$ 1,000.00  
— International preliminary examination fee paid to USPTO [37 CFR 1.482]:..... \$  
— No International preliminary examination fee paid to USPTO [37 CFR 1.482]  
but International search fee paid to USPTO [37CFR 1.445(a)(2)]:..... \$  
— Neither International preliminary examination fee [37 CFR 1.482] nor  
International search fee [37 CFR 1.445(a)(2)] paid to USPTO:..... \$  
— International preliminary examination fee paid to USPTO [37 CFR 1.482]  
and all claims satisfied provisions of PCT Article 33 (2) to (4):..... \$

ENTER APPROPRIATE BASIC FEE AMOUNT: \$ 1000.00

Surcharge of \$ 130.00 for furnishing the oath or declaration later than 20 30 months  
from the earliest claimed priority date [37 CFR 1.492(e)] ..... \$

Claims	filed	Extra	Rate
Total Claims	31	-20= 11	x \$ 50.= \$ 550.00

Indep. Claims 2 - 3= x \$200.= \$

( ) Multiple Dependent Claim Presented? x \$360.= \$

TOTAL OF ABOVE CALCULATIONS: \$ 1550.00

Small Entity Status is being claimed ..... (divided by 2) \$ 775.00

SUBTOTAL: \$ 775.00

Processing fee of \$ 130.00 for furnishing the English Translation later than 20 30 months  
from the earliest claimed priority date [37 CFR 1.492(f)] ..... \$

TOTAL NATIONAL FEE: \$ 775.00

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be  
accompanied by an appropriate cover sheet [37 CFR 3.28,3.31]. \$ 40.00 per property ..... \$

TOTAL FEE ENCLOSED: \$ 775.00

AMOUNT TO BE REFUNDED: \$ Refunded

AMOUNT TO BE CHARGED: \$ Charged

- a) X The amount of \$ 775.00 to cover the above fees is being charged as per attached for PTO-2038.  
b) — Please charge my Deposit Account No. 11-1835 in the amount of \$ to cover the above fees.  
A duplicate copy of this sheet is enclosed.  
c) X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 11-1835. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or  
(b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Friedrich Kueffner  
317 Madison Avenue  
Suite 910  
New York, NY 10017

Friedrich Kueffner  
Name

signature

29,482  
Reg. No. Date August 10, 2006

CUSTOMER NUMBER: 00040570